

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSEPH ROBERT FILBERT,)	
)	Civil Action No. 2:13-cv-00156
Plaintiff,)	
)	United States Magistrate Judge
v.)	Cynthia Reed Eddy
)	
WESTMORELAND COUNTY PRISON,)	
)	
Defendant.)	

JOSEPH ROBERT FILBERT,)	
)	Civil Action No. 2:14-cv-00623
Plaintiff,)	
)	United States Magistrate Judge
v.)	Cynthia Reed Eddy
)	
WESTMORELAND COUNTY PRISON,)	
)	
Defendant.)	

JOSEPH ROBERT FILBERT,)	
)	Civil Action No. 2: 14-cv-00634
Plaintiff,)	
)	United States Magistrate Judge
v.)	Cynthia Reed Eddy
)	
WESTMORELAND COUNTY PRISON,)	
)	
Defendant.)	

ORDER CONSOLIDATING CASES

On January 30, 2013, Plaintiff Joseph R. Filbert (“Plaintiff” or “Filbert”) initiated a civil rights action in this Court at Case No. 13-cv-00156 in which he asserted claims brought under 42 U.S.C. § 1983 and the Americans with Disabilities Act (“ADA”) against Westmoreland County Prison. At the time Filbert initiated this lawsuit, he was confined in that facility. Distilled to its essence, the Complaint asserts claims that from January 3, 2012, until November 30, 2012, Plaintiff

was denied “handicap accommodations” and that the medical staff at Westmoreland County Prison denied him medical treatment for his serious medical conditions.

On May 13, 2014, Filbert initiated a second civil rights action in this Court at Case No. 14-cv-00623 in which he asserted claims under the ADA against the same defendant, Westmoreland County Prison. In this Complaint, Filbert asserts that he fell in his cell in August 2012 and fell in the shower in September 2012. At the time he initiated this second lawsuit, Filbert was in custody at the Butler County Prison.

On May 15, 2014, Filbert initiated a third civil rights action in this Court at Case No. 14-cv-00634 in which he asserted claims under the ADA against the same defendant, Westmoreland County Prison. In this Complaint, Filbert asserts that he fell in the shower stall on C-Pod in September 2013. At the time he initiated this third lawsuit, Filbert was in custody at the Butler County Prison.

In December 2015, Filbert notified the Court that he was no longer in custody and provided the Court with his change of address.

All three of Filbert’s pending cases involve common questions of law and fact in that they assert substantially claims against the same defendant.

It is hereby **ORDERED** as follows:

1. The above three cases are hereby consolidated pursuant to Federal Rule of Civil Procedure 42(a)(2), and all future filings shall be made in Case No. 13-cv-00156.
2. Defendant has no obligation to answer, move or otherwise respond to the complaints filed at Case No. 14-cv-00623 or Case No 14-cv-00634.
3. As described more fully below, Plaintiff shall file a Consolidated Amended Complaint on or before **February 10, 2016** at Case No. 13-cv-00156.

4. Defendant shall answer, move, or otherwise respond to the Consolidated Amended Complaint on or before **March 2, 2016**.

It is further **ORDERED** that because all future filings are to be made at Case No. 13-cv-00156, and because Plaintiff is to file a Consolidated Amended Complaint at that docket, the Clerk of Court shall mark Case No. 14-cv-00623 and Case No. 14-cv-00634 as **CLOSED**.

To be clear, the Consolidated Amended Complaint will replace the previously filed complaints and will render those documents of no legal effect. The Consolidated Amended Complaint must be prepared on the approved form, which is attached, and must include all causes of action and must set forth clearly identified causes of action that both identify Plaintiff's legal theories and facts suggestive of the proscribed conduct alleged in one stand-alone document without reference to any other document filed in his cases. *See* Fed. R. Civ. P. 8. Plaintiff is cautioned that the opportunity to file an amended complaint is not an invitation to enlarge the lawsuit by filing new allegations not related to the allegations in Case Nos. 13-cv-00156, 14-cv-00623 or 14-cv-00634 or by adding defendants not related to the allegations in Case Nos. 13-cv-00156, 14-cv-00623 or 14-cv-00634. Inclusion of new allegations and claims unrelated to those previously set forth in Case Nos. 13-00156, 14-00623 or 14-00634 will be considered a failure to comply with an Order of Court and will result in the dismissal of the Consolidated Amended Complaint.

So **ORDERED** this 8th day of January, 2016.

By the Court:

s/ Cynthia Reed Eddy
Cynthia Reed Eddy
United States Magistrate Judge

cc: Joseph R. Filbert
225 Londontowne Dr.
Pittsburgh, PA 15226
(via U.S. First Class Mail)

Trent A. Echard
Strassburger McKenna Gutnick & Gefsky
(via CM/ECF electronic notification)